

104TH CONGRESS
1ST SESSION

H. R. 728

To control crime by providing law enforcement block grants.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1995

Mr. McCOLLUM introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To control crime by providing law enforcement block grants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Government Law
5 Enforcement Block Grants Act of 1995”.

6 **SEC. 2. BLOCK GRANT PROGRAM.**

7 (a) IN GENERAL.—Title I of the Violent Crime Con-
8 trol and Law Enforcement Act of 1994 is amended to read
9 as follows:

1 **“TITLE I—LAW ENFORCEMENT**
2 **BLOCK GRANTS**

3 **“SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.**

4 “(a) PAYMENT AND USE.—

5 “(1) PAYMENT.—The Director of the Bureau of
6 Justice Assistance, shall pay to each unit of local
7 government which qualifies for a payment under this
8 title an amount equal to the sum of any amounts al-
9 located to such unit under this title for each pay-
10 ment period. The Director shall pay such amount
11 from amounts appropriated to carry out this title.

12 “(2) USE.—Amounts paid to a unit of local
13 government under this section shall be used by the
14 unit for reducing crime and improving public safety,
15 including but not limited to, 1 or more of the follow-
16 ing purposes:

17 “(A)(i) hiring, training, and employing on
18 a continuing basis new, additional law enforce-
19 ment officers and necessary support personnel;

20 “(ii) paying overtime to presently employed
21 law enforcement officers and necessary support
22 personnel for the purpose of increasing the
23 number of hours worked by such personnel; and

1 “(iii) procuring equipment, technology, and
2 other material directly related to basic law en-
3 forcement functions.

4 “(B) Enhancing school security measures
5 by—

6 “(i) providing increased law enforce-
7 ment patrols in and around schools, wheth-
8 er through the hiring of additional law en-
9 forcement officers or paying overtime to
10 presently employed officers;

11 “(ii) purchasing law enforcement
12 equipment necessary to carry out normal
13 law enforcement functions in and around
14 schools;

15 “(iii) equipping schools with metal de-
16 tectors, fences, closed circuit cameras, and
17 other physical safety measures;

18 “(iv) gun hotlines designed to facili-
19 tate the reporting of weapons possession
20 by students and other individuals in and
21 around schools; and

22 “(v) preventing and suppressing vio-
23 lent youth gang activity.

24 “(C) Establishing crime prevention pro-
25 grams that substantially involve law enforce-

1 ment officials and that are intended to discour-
2 age, disrupt, or interfere with the commission
3 of criminal activity, including neighborhood
4 watch and citizen patrol programs, and pro-
5 grams intended to prevent juvenile crime.

6 “(b) TIMING OF PAYMENTS.—The Director shall pay
7 each unit of local government that has submitted an appli-
8 cation under this title not later than—

9 “(1) 90 days after the date that the amount is
10 available, or

11 “(2) the first day of the payment period if the
12 unit of local government has provided the Director
13 with the assurances required by section 103(d),
14 whichever is later.

15 “(c) ADJUSTMENTS.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 the Director shall adjust a payment under this title
18 to a unit of local government to the extent that a
19 prior payment to the unit of local government was
20 more or less than the amount required to be paid.

21 “(2) CONSIDERATIONS.—The Director may in-
22 crease or decrease under this subsection a payment
23 to a unit of local government only if the Director de-
24 termines the need for the increase or decrease, or if
25 the unit requests the increase or decrease, not later

1 than 1 year after the end of the payment period for
2 which a payment was made.

3 “(d) RESERVATION FOR ADJUSTMENT.—The Direc-
4 tor may reserve a percentage of not more than 2 percent
5 of the amount under this section for a payment period
6 for all units of local government in a State if the Director
7 considers the reserve is necessary to ensure the availability
8 of sufficient amounts to pay adjustments after the final
9 allocation of amounts among the units of local government
10 in the State.

11 “(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

12 “(1) REPAYMENT REQUIRED.—A unit of local
13 government shall repay to the Director, by not later
14 than 27 months after receipt of funds from the Di-
15 rector, any amount that is—

16 “(A) paid to the unit from amounts appro-
17 priated under the authority of this section; and

18 “(B) not expended by the unit within 2
19 years after receipt of such funds from the Di-
20 rector.

21 “(2) PENALTY FOR FAILURE TO REPAY.—If the
22 amount required to be repaid is not repaid, the Di-
23 rector shall reduce payment in future payment peri-
24 ods accordingly.

1 “(3) DEPOSIT OF AMOUNTS REPAID.—Amounts
2 received by the Director as repayments under this
3 subsection shall be deposited in a designated fund
4 for future payments to units of local government.

5 “(f) NONSUPPLANTING REQUIREMENT.—Funds
6 made available under this title to units of local government
7 shall not be used to supplant State or local funds, but
8 shall be used to increase the amount of funds that would,
9 in the absence of funds made available under this title,
10 be made available from State or local sources.

11 **“SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this title—

14 “(1) \$2,000,000,000 for fiscal year 1996;

15 “(2) \$2,000,000,000 for fiscal year 1997;

16 “(3) \$2,000,000,000 for fiscal year 1998;

17 “(4) \$2,000,000,000 for fiscal year 1999; and

18 “(5) \$2,000,000,000 for fiscal year 2000.

19 “(b) ADMINISTRATIVE COSTS.—Not more than 2.5
20 percent of the amount authorized to be appropriated
21 under subsection (a) for each of the fiscal years 1996
22 through 2000 shall be available to the Director for admin-
23 istrative costs to carry out the purposes of this title. Such
24 sums are to remain available until expended.

1 “(c) AVAILABILITY.—The amounts authorized to be
2 appropriated under subsection (a) shall remain available
3 until expended.

4 **“SEC. 103. QUALIFICATION FOR PAYMENT.**

5 “(a) IN GENERAL.—The Director shall issue regula-
6 tions establishing procedures under which a unit of local
7 government is required to provide notice to the Director
8 regarding the proposed use of funds made available under
9 this title.

10 “(b) PROGRAM REVIEW.—The Director shall estab-
11 lish a process for the ongoing evaluation of projects devel-
12 oped with funds made available under this title.

13 “(c) GENERAL REQUIREMENTS FOR QUALIFICA-
14 TION.—A unit of local government qualifies for a payment
15 under this title for a payment period only if the unit of
16 local government submits an application to the Director
17 and establishes, to the satisfaction of the Director, that—

18 “(1) the unit of local government has estab-
19 lished a local advisory board that—

20 “(A) includes a representative from—

21 “(i) the local police department;

22 “(ii) the local sheriff’s department;

23 “(iii) the local prosecutor’s office;

24 “(iv) the local court system; and

1 “(v) a local nonprofit, educational, re-
2 ligious, or community group; and

3 “(B) has reviewed the application;

4 “(2) the chief executive officer of the State has
5 had not less than 45 days to review and comment
6 on the application prior to submission to the Direc-
7 tor;

8 “(3) the unit of local government will establish
9 a trust fund in which the government will deposit all
10 payments received under this title;

11 “(4) the unit of local government will use
12 amounts in the trust fund (including interest) dur-
13 ing a period not to exceed 2 years from the date the
14 first grant payment is made to the unit of local gov-
15 ernment;

16 “(5) the unit of local government will expend
17 the payments received in accordance with the laws
18 and procedures that are applicable to the expendi-
19 ture of revenues of the unit of local government;

20 “(6) the unit of local government will use ac-
21 counting, audit, and fiscal procedures that conform
22 to guidelines which shall be prescribed by the Direc-
23 tor after consultation with the Comptroller General
24 and as applicable, amounts received under this title

1 shall be audited in compliance with the Single Audit
2 Act of 1984;

3 “(7) after reasonable notice from the Director
4 or the Comptroller General to the unit of local gov-
5 ernment, the unit of local government will make
6 available to the Director and the Comptroller Gen-
7 eral, with the right to inspect, records that the Di-
8 rector reasonably requires to review compliance with
9 this title or that the Comptroller General reasonably
10 requires to review compliance and operation;

11 “(8) a designated official of the unit of local
12 government shall make reports the Director reason-
13 ably requires, in addition to the annual reports re-
14 quired under this title;

15 “(9) the unit of local government will spend the
16 funds made available under this title only for the
17 purposes set forth in section 101(a)(2).

18 “(d) SANCTIONS FOR NONCOMPLIANCE.—

19 “(1) IN GENERAL.—If the Director determines
20 that a unit of local government has not complied
21 substantially with the requirements or regulations
22 prescribed under subsection (b), the Director shall
23 notify the unit of local government that if the unit
24 of local government does not take corrective action
25 within 60 days of such notice, the Director will with-

1 hold additional payments to the unit of local govern-
2 ment for the current and future payment periods
3 until the Director is satisfied that the unit of local
4 government—

5 “(A) has taken the appropriate corrective
6 action; and

7 “(B) will comply with the requirements
8 and regulations prescribed under subsection (b).

9 “(2) NOTICE.—Before giving notice under para-
10 graph (1), the Director shall give the chief executive
11 officer of the unit of local government reasonable no-
12 tice and an opportunity for comment.

13 **“SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14 “(a) STATE SET-ASIDE.—

15 “(1) IN GENERAL.—Of the total amounts ap-
16 propriated for this title for each payment period, the
17 Director shall allocate for units of local government
18 in each State an amount that bears the same ratio
19 to such total as the average annual number of part
20 1 violent crimes reported by such State to the Fed-
21 eral Bureau of Investigation for the 3 most recent
22 calendar years for which such data is available,
23 bears to the number of part 1 violent crimes re-
24 ported by all States to the Federal Bureau of Inves-
25 tigation for such years;

1 “(2) MINIMUM REQUIREMENT.—Each State
2 shall receive not less than .25 percent of the total
3 amounts appropriated under section 102 under this
4 subsection for each payment period.

5 “(3) PROPORTIONAL REDUCTION.—If amounts
6 available to carry out paragraph (2) for any pay-
7 ment period are insufficient to pay in full the total
8 payment that any State is otherwise eligible to re-
9 ceive under paragraph (1) for such period, then the
10 Director shall reduce payments under paragraph (1)
11 for such payment period to the extent of such insuf-
12 ficiency. Reductions under the preceding sentence
13 shall be allocated among the States (other than
14 States whose payment is determined under para-
15 graph (2)) in the same proportions as amounts
16 would be allocated under paragraph (1) without re-
17 gard to paragraph (2).

18 “(b) LOCAL DISTRIBUTION.—

19 “(1) IN GENERAL.—From the amount reserved
20 for each State under subsection (a), the Director
21 shall allocate—

22 “(A) among reporting units of local gov-
23 ernment the reporting units’ share of such re-
24 served amount, and

1 “(B) among nonreporting units of local
2 government the nonreporting units’ share of the
3 reserved amount.

4 “(2) AMOUNTS.—

5 “(A) The reporting units’ share of the re-
6 served amount is the amount equal to the prod-
7 uct of such reserved amount multiplied by the
8 percentage which the population living in re-
9 porting units of local government in the State
10 bears to the population of all units of local gov-
11 ernment in the State.

12 “(B) The nonreporting units’ share of the
13 reserved amount is the reserved amount re-
14 duced by the reporting units’ share of the re-
15 served amount.

16 “(3) ALLOCATION TO EACH REPORTING
17 UNIT.—From the reporting units’ share of the re-
18 served amount for each State under subsection (a),
19 the Director shall allocate to each reporting unit of
20 local government an amount which bears the same
21 ratio to such share as the average annual number of
22 part 1 violent crimes reported by such unit to the
23 Federal Bureau of Investigation for the 3 most re-
24 cent calendar years for which such data is available
25 bears to the number of part 1 violent crimes re-

1 ported by all units of local government in the State
2 in which the unit is located to the Federal Bureau
3 of Investigation for such years.

4 “(4) ALLOCATION TO EACH NONREPORTING
5 UNIT.—From the nonreporting units’ share of the
6 reserved amount for each State under subsection
7 (a), the Director shall allocate to each nonreporting
8 unit of local government an amount which bears the
9 same ratio to such share as the average number of
10 part 1 violent crimes of like governmental units in
11 the same population class as such unit bears to the
12 average number of part 1 violent crimes of all units
13 in the State.

14 “(5) LIMITATION ON ALLOCATIONS.—A unit of
15 local government shall not receive an allocation
16 which exceeds 100 percent of such unit’s expendi-
17 tures on law enforcement services as reported by the
18 Bureau of the Census for the most recent fiscal
19 year. Any amount in excess of 100 percent of such
20 unit’s expenditures on law enforcement services shall
21 be distributed proportionally among units of local
22 government whose allocation does not exceed 100
23 percent of expenditures on law enforcement services.

24 “(6) DEFINITIONS.—For purposes of this sub-
25 section—

1 “(A) The term ‘reporting unit of local gov-
2 ernment’ means any unit of local government
3 that reported part 1 violent crimes to the Fed-
4 eral Bureau of Investigation for the 3 most re-
5 cent calendar years for which such data is avail-
6 able.

7 “(B) The term ‘nonreporting unit of local
8 government’ means any unit of local govern-
9 ment which is not a reporting unit of local gov-
10 ernment.

11 “(C)(i) The term ‘like governmental units’
12 means any like unit of local government as de-
13 fined by the Secretary of Commerce for general
14 statistical purposes, and means—

15 “(I) all counties are treated as like
16 governmental units;

17 “(II) all cities are treated as like gov-
18 ernmental units;

19 “(III) all townships are treated as like
20 governmental units.

21 “(ii) Similar rules shall apply to other
22 types of governmental units.

23 “(D) The term ‘same population class’
24 means a like unit within the same population

1 category as another like unit with the categories
2 determined as follows:

3 “(i) 0 through 9,999.

4 “(ii) 10,000 through 49,999.

5 “(iii) 50,000 through 149,999.

6 “(iv) 150,000 through 299,999.

7 “(v) 300,000 or more.

8 “(7) LOCAL GOVERNMENTS WITH ALLOCATIONS
9 OF LESS THAN \$10,000.—If under paragraph (3) or
10 (4) a unit of local government is allotted less than
11 \$10,000 for the payment period, the amount allotted
12 shall be transferred to the chief executive officer of
13 the State who shall distribute such funds among
14 units of local government whose allotment is less
15 than such amount in a manner which reduces crime
16 and improves public safety.

17 “(8) SPECIAL RULES.—

18 “(A) If a unit of local government in a
19 State that has been incorporated since the date
20 of the collection of the data used by the Direc-
21 tor in making allocations pursuant to this sec-
22 tion, such unit shall be treated as a nonreport-
23 ing unit of local government for purposes of
24 this subsection.

1 “(B) If a unit of local government in the
2 State has been annexed since the date of the
3 collection of the data used by the Director in
4 making allocations pursuant to this section, the
5 Director shall pay the amount that would have
6 been allocated to such unit of local government
7 to the unit of local government that annexed it.

8 “(c) UNAVAILABILITY OF INFORMATION.—For pur-
9 poses of this section, if data regarding part 1 violent
10 crimes in any State for the 3 most recent calendar years
11 is unavailable or substantially inaccurate, the Director
12 shall utilize the best available comparable data regarding
13 the number of violent crimes for such years for such State
14 for the purposes of allocation of any funds under this title.

15 **“SEC. 105. UTILIZATION OF PRIVATE SECTOR.**

16 “Funds or a portion of funds allocated under this
17 title may be utilized to contract with private, nonprofit en-
18 tities or community-based organizations to carry out the
19 purposes specified under section 101(a)(2).

20 **“SEC. 106. PUBLIC PARTICIPATION.**

21 “(a) IN GENERAL.—A unit of local government ex-
22 pending payments under this title shall hold not less than
23 1 public hearing on the proposed use of the payment from
24 the Director in relation to its entire budget.

1 “(b) VIEWS.—At the hearing, persons shall be given
2 an opportunity to provide written and oral views to the
3 unit of local government authority responsible for enacting
4 the budget and to ask questions about the entire budget
5 and the relation of the payment from the Director to the
6 entire budget.

7 “(c) TIME AND PLACE.—The unit of local govern-
8 ment shall hold the hearing at a time and place that allows
9 and encourages public attendance and participation.

10 **“SEC. 107. ADMINISTRATIVE PROVISIONS.**

11 “The administrative provisions of part H of the Om-
12 nibus Crime Control and Safe Streets Act of 1968, shall
13 apply to this title and for purposes of this section any ref-
14 erence in such provisions to title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 shall be deemed to
16 be a reference to this title.

17 **“SEC. 108. DEFINITIONS.**

18 “For the purposes of this title:

19 “(1) The term ‘unit of local government’
20 means—

21 “(A) a county, township, city, or political
22 subdivision of a county, township, or city, that
23 is a unit of local government as determined by
24 the Secretary of Commerce for general statis-
25 tical purposes; and

1 “(B) the District of Columbia and the rec-
2 ognized governing body of an Indian tribe or
3 Alaskan Native village that carries out substan-
4 tial governmental duties and powers.

5 “(2) The term ‘payment period’ means each 1-
6 year period beginning on October 1 of any year in
7 which a grant under this title is awarded.

8 “(3) The term ‘State’ means any State of the
9 United States, the District of Columbia, the Com-
10 monwealth of Puerto Rico, the Virgin Islands, Amer-
11 ican Samoa, Guam, and the Northern Mariana Is-
12 lands, except that American Samoa, Guam, and the
13 Northern Mariana Islands shall be considered as 1
14 State and that, for purposes of section 104(a), 33
15 percent of the amounts allocated shall be allocated
16 to American Samoa, 50 percent to Guam, and 17
17 percent to the Northern Mariana Islands.

18 “(4) The term ‘juvenile’ means an individual
19 who is 17 years of age or younger.

20 “(5) The term ‘part 1 violent crimes’ means
21 murder and nonnegligent manslaughter, forcible
22 rape, robbery, and aggravated assault as reported to
23 the Federal Bureau of Investigation for purposes of
24 the Uniform Crime Reports.

1 “(6) The term ‘Director’ means the Director of
2 the Bureau of Justice Assistance.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Part Q of the Omnibus Crime Control and
5 Safe Streets Act of 1968 is repealed effective on
6 September 30, 1995.

7 (2) Effective on the date of the enactment of
8 this Act, section 1001(a) of the Omnibus Crime
9 Control and Safe Streets Act is amended—

10 (A) in paragraph (3), by striking “Q”; and

11 (B) by striking paragraph (11).

12 **SEC. 3. CONFORMING AMENDMENTS.**

13 (a) OUNCE OF PREVENTION COUNCIL.—

14 (1) IN GENERAL.—Subtitle A of title III of the
15 Violent Crime Control and Law Enforcement Act of
16 1994 is repealed.

17 (2) FUNDING.—Notwithstanding the provisions
18 of paragraph (1), any funds that remain available to
19 an applicant under subtitle A of title III of the Vio-
20 lent Crime Control and Law Enforcement Act of
21 1994 shall be used in accordance with such subtitle
22 as in effect on the day preceding the date of enact-
23 ment of this Act.

1 (b) LOCAL CRIME PREVENTION BLOCK GRANT PRO-
2 GRAM.—Subtitle B of title III of the Violent Crime Con-
3 trol and Law Enforcement Act of 1994 is repealed.

4 (c) MODEL INTENSIVE BLOCK GRANT PROGRAMS.—
5 Subtitle C of title III of the Violent Crime Control and
6 Law Enforcement Act of 1994 is repealed.

7 (d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS
8 GRANT PROGRAM.—

9 (1) IN GENERAL.—Subtitle D of title III of the
10 Violent Crime Control and Law Enforcement Act of
11 1994 is repealed.

12 (2) FUNDING.—Notwithstanding the provisions
13 of paragraph (1), any funds that remain available to
14 an applicant under subtitle D of title III of the Vio-
15 lent Crime Control and Law Enforcement Act of
16 1994 shall be used in accordance such subtitle as in
17 effect on the day preceding the date of enactment of
18 this Act.

19 (e) ASSISTANCE FOR DELINQUENT AND AT-RISK
20 YOUTH.—Subtitle G of title III of the Violent Crime Con-
21 trol and Law Enforcement Act of 1994 is repealed.

22 (f) POLICE RETIREMENT.—Subtitle H of title III of
23 the Violent Crime Control and Law Enforcement Act of
24 1994 is repealed.

25 (g) LOCAL PARTNERSHIP ACT.—

1 (1) SUBTITLE J.—Sections 31001 and 31002 of
2 title III of the Violent Crime Control and Law En-
3 forcement Act of 1994 are repealed.

4 (2) FEDERAL PAYMENTS.—Chapter 67 of title
5 31, United States Code is repealed.

6 (3) TABLE OF CHAPTERS.—The title of chap-
7 ters at the beginning of subtitle V of title 31, United
8 States Code, is amended by striking the matter re-
9 lating to chapter 67.

10 (4) FUNDING.—Notwithstanding the provisions
11 of paragraph (2), any funds that remain available to
12 an applicant under chapter 67 of title 31, United
13 States Code, shall be used in accordance with such
14 chapter as in effect on the day preceding the date
15 of enactment of this Act.

16 (h) NATIONAL COMMUNITY ECONOMIC PARTNER-
17 SHIP.—Subtitle K of title III of the Violent Crime Control
18 and Law Enforcement Act of 1994 is repealed.

19 (i) URBAN RECREATION AND AT-RISK YOUTH.—

20 (1) RECREATION.—Subtitle O of title III of the
21 Violent Crime Control and Law Enforcement Act of
22 1994 is repealed.

23 (2) URBAN PARK AND RECREATION RECOV-
24 ERY.—(A) Section 1004 of the Urban Park and
25 Recreation Recovery Act of 1978 is amended—

1 (i) by striking subsection (d); and

2 (ii) by redesignating subsections (e)
3 through (k) as (d) through (j), respectively.

4 (B) Section 1005 of the Urban Park and Recre-
5 ation Recovery Act of 1978 is amended by inserting
6 “and” at the end of paragraph (6), by inserting a
7 period at the end of paragraph (7), and by striking
8 paragraph (8).

9 (C) Section 1007(b) of the Urban Park and
10 Recreation Recovery Act of 1978 is amended by
11 striking the last 2 sentences.

12 (D) Section 1013 of the Urban Park and
13 Recreation Recovery Act of 1978 is amended by
14 striking “(a) IN GENERAL.—” after “1013” and by
15 striking subsection (b).

16 (j) COMMUNITY-BASED JUSTICE GRANTS FOR PROS-
17 ECUTORS.—Subtitle Q of title III of the Violent Crime
18 Control and Law Enforcement Act of 1994 is repealed.

19 (k) FAMILY UNITY DEMONSTRATION PROJECT.—
20 Subtitle S of title III of the Violent Crime Control and
21 Law Enforcement Act of 1994 is repealed.

22 (l) GANG RESISTANCE AND EDUCATION TRAINING.—
23 (1) Subtitle X of title III of the Violent Crime Control
24 and Law Enforcement Act of 1994 is repealed.

1 (2) Notwithstanding the provisions of subparagraph
2 (A), any funds that remain available to an applicant under
3 subtitle X of title III of the Violent Crime Control and
4 Law Enforcement Act of 1994 shall be used in accordance
5 with such subtitle as in effect on the day preceding the
6 date of enactment of this Act.



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